

REMARKS

Claims 1-8 are pending with claims 1-5 amended.

In paragraph 2, on page 2 of the Office Action, the drawings were objected to because box-like elements 11, 12 in Fig. 5 were not labeled. Attached hereto is a Marked Up-Annotated drawing correction providing labels for the box-type elements identified by reference numerals 11, 12. Support for the labels is found on page 3, last two lines of the specification.

In paragraph 1, on page 2 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specific language in claims 1-5 was identified as forming the basis for the rejection.

The claims have been amended responsive to the rejection although Applicants submit the claims as presented were not indefinite and would be clearly understood by one skilled in the art, as the language used was identical to that found within the specification and thereby drew antecedent basis from the specification.

For example, "in the vicinity of the end" has been changed to "proximate" but either term is clearly understood given what is shown in Fig. 4 and described in paragraph [0022], and in paragraph [0020] directed to Fig. 2 of the specification. The result is described in paragraph [0021] dealing with Fig. 3. Thus, it is submitted there was no indefiniteness associated with the language used. The language however used has been substituted with "proximate". "Adjacent" would have also been a satisfactory term that is consistent with the disclosure, in the specification, that the plasma discharge is "in the vicinity of the end" of the nose.

As to "more or less pointed end" the phrase "more or less" has been replaced by "substantially". Again given the disclosure and Figs. 1-4, it is submitted that there is little

doubt what constitutes a more or less pointed nose. It means that the nose does not have to have a pointed end in the sense of a needle or pin point, but rather is substantially pointed, such as a blunted nose as found at the end of a ballpoint pen, or anything of those type points. Again it is submitted that one skilled in the art would clearly understand the meaning, and there was nothing indefinite in the language used when taken in context of the specification. However, the substitute terms or words are acceptable in U.S. Patent Practice and are not considered indefinite.

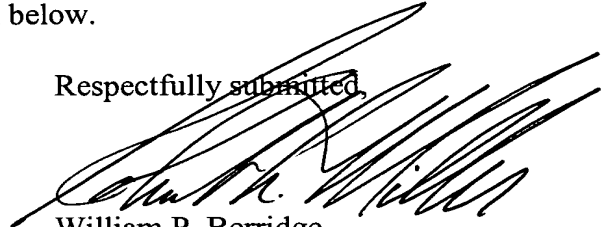
Paragraph 3, on page 3 of the Office Action, refers to art that could be considered pertinent to Applicants' disclosure but is not applied. It was alleged that none of the cited art could be meaningfully applied due to the lack of clarity of the claims. Applicants submit such is not the case for the reasons discussed above, and further is not in keeping with the requirements of the Manual for Patent Examining Procedure (MPEP), specifically Section 4143.03 which states indefinite limitations must be considered. The section indicates that a claim limitation which is considered indefinite cannot be disregarded, and that if there is any interpretation that would allow the claim to be rejected over the art, that interpretation of the claim, at least the alleged indefinite part of the claim, should be applied and the claim then rejected over the art. Because this requirement has not been met, and a reasonable interpretation could easily had been applied if the claims had been read in light of the specification as pointed out above, it is understood that by overcoming the 112, second paragraph rejection, the claims should be in condition for allowance.

However, should the Patent Office determine another rejection is necessary, it is respectfully submitted that such a rejection cannot be made final, as the instant action is incomplete and not in compliance with the Manual for Patent Examining Procedure.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed forth below.

Respectfully submitted,



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WPB:RAM/kap

Attachment:
Annotated Marked-Up Drawing

Date: June 8, 2004

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